

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANNE M. FINUCANE and U.S. POSTAL SERVICE,
POST OFFICE, Newark, NJ

*Docket No. 98-1800; Submitted on the Record;
Issued December 3, 1999*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant sustained an emotional condition in the performance of duty, as alleged.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the March 23, 1998 decision of the Office of Workers' Compensation Programs' hearing representative, finalized on March 26, 1998, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ Appellant did not submit any evidence to corroborate that the alleged January 10, 1997 incident occurred as alleged or that the employing establishment was biased in its investigation of her complaint. She therefore failed to submit sufficient evidence to establish that she established an emotional condition in the performance of duty, as alleged; *see Barbara Hamm*, 45 ECAB 843, 851 (1994).

The decision of the Office of Workers' Compensation Programs dated March 23, 1998 and finalized March 26, 1998 is hereby affirmed.

Dated, Washington, D.C.
December 3, 1999

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member